

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT
FRANKFORT, KENTUCKY 40601

NOTICE OF VIOLATION

To: United States Dept. of Energy Date Violation Observed: 6/12/00-8/9/00
P.O. Box 1410 County: McCracken
Paducah, KY 42001 ID# (if applicable): KY8-890-008-982

This is to advise you that, because of the circumstances noted below, you are in violation of the provisions of the following statute(s) and/or regulation(s):

1. The U.S. DOE generated solid wastes as defined in 401 KAR Chapter 31. The U.S. DOE failed to characterize these wastes in violation of KRS 224.46-520 and 401 KAR 32:030, Section 2. These wastes have subsequently been managed in approximately 150 units referred to as DOE Material Storage Areas (DMSAs).
2. DMSA's include Solid Waste Management Units (SWMUs) subject to Part IV of the Hazardous Waste Management Permit and 401 KAR 34:060. U.S. DOE violated the notification requirements of Part IV.B. of the hazardous Waste Management Permit for newly discovered SWMUs and Areas of Concern (AOCs).
3. Investigation and characterization of DMSA C-400-04 identified hazardous and mixed radioactive hazardous wastes which have been stored greater than 90 days without a permit in violation of 401 KAR 32:030, Section 5, 401 KAR 38:010, Section 4, KRS 224.46-520 and Part II of the Hazardous Waste Management Permit. U.S. DOE failed to characterize these wastes in accordance with 401 KAR 32:010, Section 2, when the contents of C-400-04 were abandoned in the late 1980's. These wastes have subsequently been managed in violation of all applicable provisions of 401 KAR Chapters 30 through 40.

Required action for remedial measures include, but are not limited to:

1. Submit a notification for any newly identified SWMUs or AOCs within fifteen (15) calendar days of the receipt of this Notice. The notification for any newly identified SWMUs or AOCs shall include the information required under condition IV.B.2 of the Hazardous Waste Management Permit.
2. Submit a SWMU Assessment Report (SAR) for any newly identified SWMUs within ninety (90) calendar days of receipt of this notice. At a minimum, the SAR shall provide the information required under Condition IV.B.3 of the Hazardous Waste Management Permit. The SARs shall also include a proposal from the DOE regarding any further investigation recommended for any of the SWMUs or AOCs.

DIVISION OF WASTE MANAGEMENT
NOTICE OF VIOLATION CONTINUATION SHEET

Page 2 of 2

Facility Name U.S. Dept. of Energy Identification# KYD-985-072-008

Date of NOV 9/5/00 Date Violation Observed 6/12/00-8/9/00

3. Submit a revised Part A Application to include Room C-400-04 within sixty (60) calendar days of the receipt of this notice. Submit a closure plan to address closure of Room C-400-04, the C-400-04 process equipment and floor drain within ninety (90) calendar days of receipt of this notice.
4. Within 90 days of the receipt of this notice, submit a workplan to fully address the characterization of all wastes managed in DMSAs, SWMUs, and AOCs in accordance with KRS 224.46-520 and 401 KAR 32:010, Section 2. The workplan shall contain schedules for the characterization, proper storage and final disposition of all solid and hazardous wastes managed in DMSA's, SWMUs and AOCs. All solid and hazardous wastes within DMSA's must be properly characterized and managed in accordance with an approved workplan no later than June 1, 2001.
5. Cease the unpermitted storage of hazardous waste at all locations owned or operated by the DOE at the Paducah Gaseous Diffusion Plant immediately. All hazardous waste at the Paducah Gaseous Diffusion Plant must be managed in accordance with all applicable provisions of Chapters 30-38 of Title 401 of the Kentucky Administrative Regulations.

Violations of the above cited Kentucky Revised Statutes are subject to the maximum penalties of \$25,000 per day for each hazardous waste violation and \$5,000 per day for each solid waste violation.

To respond to this Notice of Violation, write to:

Division of Waste Management
14 Reilly Road
Frankfort, Kentucky 40601

Attention: B. Parrish Roush, or call (270) 898-8468

Signature: B. Parrish Roush Title: Env. Inspector III Date: 9/5/00

Name of person or persons to whom delivered:

Mr. Don Seaborg Title: Site Manager Date: 9/5/00

How Delivered: Certified Mail # 7099 3220 0007 2586 7113

Bechtel Jacobs Company LLC
Notice of Violations (NOV)

For 2001

Total Number of NOV for 2001 4

February 28, 2001 -- NOV

The extent of the violations observed is as follows:

1. Failure to submit a Discharge Monitoring Report for Outfall 017-X for November 2000.

July 30, 2001 -- NOV

The extent of the violations observed is as follows:

2. Failure to provide a well abandonment and replacement workplan for C-404 Landfill monitoring well MW-87.

July 31, 2001 -- NOV

The extent of the violations observed is as follows:

3. Investigation and characterization of DMSA C-331-10 identified hazardous waste which has been stored greater than 90 days without a permit.

October 9, 2001 -- NOV

The extent of the violations observed is as follows:

4. Investigation and characterization of DMSAs C-331-15, C-335-05, and C-333-31 identified hazardous waste, which has been stored greater than 90 days without a permit.

JAMES E. BICKFORD
SECRETARY



PAUL E. PATTON
GOVERNOR

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FRANKFORT OFFICE PARK
14 REILLY RD
FRANKFORT KY 40601



February 28, 2001

Certified No. 7000 0600 0029 0709 2099
Return Receipt Requested

10 23 3 2

Mr. W. Don Seaborg, Site Manager
US DOE Paducah Gaseous Diffusion Plant
Post Office Box 1410
Paducah, Kentucky 42002

Re: KPDES No. KY0004049
McCracken County, Kentucky
DOW 01019

Dear Mr. Seaborg:

Enclosed please find a Notice of Violation for failure to submit a Discharge Monitoring Report (DMR) for Outfall 017-X, at the referenced facility. This violation places the US DOE Paducah Gaseous Diffusion Plant in significant violation of its discharge permit.

Please provide a written explanation of reasons for the violation and what is being done to maintain compliance at this time. The response must be submitted to this office by April 1, 2001. Failure to comply subjects your facility to penalties as specified in the Clean Water Act. Your cooperation and assistance in this matter is appreciated. If you have any questions, please contact Teresa L. Clements of my staff at (502) 564-3410, extension 174.

Sincerely,

Gary F. Levy,
Environmental Control Manager
Enforcement Branch
Division of Water

GFL/TLC
Enclosure

c: Paducah Regional Office
Beth Walls, U.S. EPA
KPDES Branch



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COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION of WATER

NOTICE OF VIOLATION

TO:

US DOE Paducah Gaseous Diffusion
Post Office Box 1410
Paducah KY 42002
Attn: Mr. W. Don Seaborg

SITE:

Wastewater Treatment Facility

Site ID #: KY0004049
County(ies): McCracken
Notifications/Complaints System #:
NOV Tracking #:

Date(s) of Violation(s): November 2000

This is to advise you are in violation of the provisions of KRS Chapter 224 due to the circumstances cited below:

Statutes/Regulations:
401 KAR 5:065

A description of the violation(s)

Failure to submit a Discharge Monitoring Report for Outfall 017-X for November 2000.

The required remedial measure(s), and date(s) to be completed by, are as follows:
Provide a written explanation of reasons for the violations and what is being done to maintain compliance at the facility by April 1, 2001.

Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

A written response to this Notice of Violation shall be sent to the undersigned by April 1, 2001

Division of Water
14 Reilly Road
Frankfort, KY
Telephone #502-584-3410
Teresa L. Clements

Issued By:

Teresa L. Clements

Environmental Control Supervisor

Date: 2/28/01

Issued By:

Gary F. Levy

Environmental Control Manager

Date: 2/28/01

How Delivered:

Certified Mail

JAMES E. BICKFORD
SECRETARY



PAUL E. PATTON
GOVERNOR

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FRANKFORT OFFICE PARK
14 REILLY RD
FRANKFORT KY 40601

July 30, 2001

CERTIFIED MAIL # 7000 1670 0007 9753 1007
RETURN RECEIPT REQUESTED

Mr. Don Seaborg, Site Manager
US Department of Energy
Paducah Site Office
PO Box 1410
Paducah, Kentucky 42001

Mr. Gordon L. Dover, Paducah Manager of Projects
Bechtel Jacobs Company LLC
761 Veterans Avenue
Kevil, Kentucky 42053

RE: Failure to Comply with Hazardous Waste Permit Condition II.J.1
Paducah Gaseous Diffusion Plant
McCracken County, Kentucky
KY8-890-008-982

Gentlemen:

On March 26, 2001 the Division of Waste Management (Division) issued a letter to the Department of Energy (DOE) requiring that a well abandonment and replacement workplan be submitted for several compliance monitoring wells within 45 days following DOE's receipt of the letter. This correspondence stated that the Division had determined these wells to be corroded and therefore no longer suitable for use as monitoring wells. One of the corroded wells is monitoring well MW-87, a C-404 Landfill compliance well. Downhole well video of MW-87 provided by DOE plainly indicates that a large hole is present in the well's stainless steel casing at 54 feet, 3 inches.

On May 14, 2001 DOE submitted a letter proposing in part to redevelop MW-87 and perform another downhole camera survey of the well. This work was to be conducted in conjunction with similar work to be performed at the C-746 S&T and C-746 U landfills. However, no schedule was provided for any of these activities.




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Mr. Don Seaborg,
Mr. Gordon Dover
Page 2
July 30, 2001

DOE's failure to submit a well abandonment and replacement workplan for MW-87 is a violation of Condition II.J.1 of the PGDP Hazardous Waste Management Permit. Enclosed is a Notice of Violation issued for failure to comply with the conditions of the Permit. Please contact Tuss Taylor at (502) 564-6716 if you have questions concerning this issue.

Sincerely,



Michael V. Welch, P.E., Manager
Hazardous Waste Branch

MW/tm

Attachment

cc: Carl R. Froede, Jr., USEPA Region 4
John Morgan, Bechtel Jacobs
Robert Sleeman, ORO/DOE
Gary Bodenstein, DOE-Paducah
Margie Williams, DWM-Paducah
Gary Brewer, AIP-Paducah
Todd Mullins, FFA-Frankfort
Tony Hatton, FFA-Frankfort
DWM File# 870
DOE Reading File

**COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT
14 REILLY ROAD
FRANKFORT KY 40601**

NOTICE OF VIOLATION

**TO: Mr. Don Seaborg
US Department of Energy
Paducah Site Office
PO Box 1410
Paducah, Kentucky 42001**

**Violation Date: May 14, 2001
County: McCracken
ID #: KY8-890-008-982
Location: 5600 Hobbs Road
West Paducah, Kentucky 42086**

**Mr. Gordon L. Dover, Paducah Manager of Projects
Bechtel Jacobs Company LLC
761 Veterans Avenue
Kevil, Kentucky 42053**

This is to advise you that, because of the circumstances noted below, you are in violation of the provisions of: KRS 224.46-520 and Hazardous Waste Permit Condition II.J.1.

The extent of the violation(s) is as follows: Failure to provide a well abandonment and replacement workplan for C-404 Landfill monitoring well MW-87.

Required action for remedial measures include, but are not limited to: DOE must provide an abandonment and replacement workplan for MW-87 by August 24, 2001. The plan must specify the abandonment method to be used as well as the replacement casing type that will be used. The plan must also satisfy Condition II.J.1.h of the Permit. The new well must be installed within 45 days of Division approval. Violations of the above-cited Kentucky Revised Statutes are subject to the maximum penalties of \$25,000 per day for each hazardous waste violation. To respond to this Notice of Violation, write to:

**Michael V. Welch, Manager, Hazardous Waste Branch
Division of Waste Management
14 Reilly Road
Frankfort KY 40601**

or call: Tuss Taylor at (502) 564-6716, ext. 244.

Signature: Michael Welch

Branch Manager

Date:

Delivered by Certified Mail #7000 1670 0007 9753 1007

JAMES E. BICKFORD
SECRETARY



PAUL E. PATTON
GOVERNOR

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FRANKFORT OFFICE PARK
14 REILLY RD
FRANKFORT KY 40601

July 31, 2001

CERTIFIED MAIL # 7000 1670 0007 9753 3247
RETURN RECEIPT REQUESTED

Mr. W. Don Seaborg, Site Manager
US Department of Energy
Paducah Site Office
PO Box 1410
Paducah, Kentucky 42001

Mr. Gordon L. Dover, Paducah Manager of Projects
Bechtel Jacobs Company LLC
761 Veterans Avenue
Kevil, Kentucky 42053

RE: Unpermitted Storage of Hazardous Waste
Paducah Gaseous Diffusion Plant
McCracken County, Kentucky
KY8-890-008-982

Gentlemen:

On June 18, 2001, the Division of Waste Management was notified of the DOE's identification of hazardous waste in DMSA C-331-10. Enclosed is a Notice of Violation issued for failure to comply with 401 KAR 32:030, Section 5, 401 KAR 38:010, Section 4, KRS 224.46-520 and Part II of the facility's Hazardous Waste Management Permit.

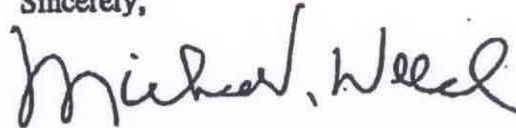


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Mr. W. Don Seaborg
Mr. Gordon L. Dover
Page 2
July 31, 2001

Please contact Mike Guffey at (502) 564-6716 if you have questions concerning this issue.

Sincerely,



Michael V. Welch P.E, Manager
Hazardous Waste Branch

MW/mg

Enclosure - Notice of Violation

cc: Carl R. Froede, Jr., USEPA Region 4
Larry Lamberth, USEPA Region 4
Robert Sleeman, ORO/DOE
David Tidwell, DOE
Margie Williams, DWM-Paducah
Connie Smith, Enforcement Branch
Gaye Brewer, HWB-Paducah
DWM File# 101
DOE Reading File

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT
FRANKFORT, KENTUCKY 40601

NOTICE OF VIOLATION

To: United States Dept. of Energy Date Violation Observed: 6/11/01

P.O. Box 1410

County: McCracken

Paducah, KY 42001

ID# (if applicable): KY8-890-008-982

This is to advise you that, because of the circumstances noted below, you are in violation of the provisions of the following statute(s) and/or regulation(s):

The extent of the violation(s) observed is as follows:

Investigation and characterization of DMSA C-331-10 identified hazardous waste which has been stored greater than 90 days without a permit in violation of 401 KAR 32:030, Section 5, 401 KAR 38:010, Section 4, KRS 224.46-520 and Part II of the Hazardous Waste Management Permit.

Required action for remedial measures include, but are not limited to:

1. Submit an amended SWMU Assessment Report (SAR) for SWMU 244 within ninety (90) calendar days of the receipt of this notice. At a minimum, the SAR shall provide the information required under Condition IV.B.3 of the facility Hazardous Waste Management Permit.
2. Submit a revised Part A Application to include DMSA 331-10 (SWMU 244) within thirty (30) calendar days of receipt of this notice.
3. Submit a closure plan to address closure of DMSA 331-10 (SWMU 244) within sixty (60) calendar days of receipt of this notice.
4. Cease the unpermitted storage of hazardous waste at all locations owned or operated by the DOE at the Paducah Gaseous Diffusion Plant immediately. All hazardous waste at the Paducah Gaseous Diffusion Plant must be managed in accordance with all applicable provisions of Chapters 30-38 of Title 401 of the Kentucky Administrative Regulations.

DIVISION OF WASTE MANAGEMENT
NOTICE OF VIOLATION CONTINUATION SHEET

Facility Name U.S. Dept. of Energy Identification# KYD-985-072-008

Date of NOV 7/31/01 Date Violation Observed 6/11/01

Violations of the above cited Kentucky Revised Statutes are subject to the maximum penalties of \$25,000 per day for each hazardous waste violation and \$5,000 per day for each solid waste violation.

To respond to this Notice of Violation, write to:

Division of Waste Management
14 Reilly Road
Frankfort, KY 40601

Attention: Michael V. Welch, or call (502) 564-6716

Signature: *Michael V. Welch* Title: Manager, KDWM-HWE Date: 8/31/01

Name of person or persons to whom copy was delivered:

<u>Mr. Don Seaborg</u>	<u>Title: Site Manager-DOE</u>	<u>Date: 8/31/01</u>
<u>Mr. Gordon Dover</u>	<u>Title: Paducah Manager of Projects BJC</u>	<u>Date: 8/31/01</u>

How Delivered: Certified Mail



COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FRANKFORT OFFICE PARK
14 REILLY RD
FRANKFORT KY 40601

October 9, 2001

CERTIFIED MAIL # 7000 1670 0007 9753 1052
RETURN RECEIPT REQUESTED

Mr. W. Don Seaborg, Site Manager
US Department of Energy
Paducah Site Office
PO Box 1410
Paducah, Kentucky 42001

Mr. Gordon L. Dover, Paducah Manager of Projects
Bechtel Jacobs Company LLC
761 Veterans Avenue
Kevil, Kentucky 42053

RE: Unpermitted Storage of Hazardous Waste
Paducah Gaseous Diffusion Plant
McCracken County, Kentucky
KY8-890-008-982

Gentlemen:

On September 20, 2001, the Division of Waste Management was notified of the DOE's identification of hazardous waste in DMSAs C-335-05, C-331-15 and C-333-31. Enclosed is a Notice of Violation issued for failure to comply with 401 KAR 32:030, Section 5, 401 KAR 38:010, Section 4, KRS 224.46-520 and Part II of the facility's Hazardous Waste Management Permit. Please note that these violations do not address the items removed from equipment in C-331-15 and C-335-04.

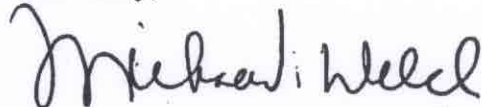


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Mr. W. Don Seaborg
Mr. Gordon L. Dover
Page 2
October 9, 2001

Please contact Mike Guffey at (502) 564-6716 if you have questions concerning this issue.

Sincerely,



Michael V. Welch P.E., Manager
Hazardous Waste Branch

MW/mg

Enclosure – Notice of Violation

cc: Carl R. Froede, Jr., USEPA Region 4
Larry Lamberth, USEPA Region 4
Robert Sleeman, ORO/DOE
David Tidwell, DOE
Margie Williams, DWM-Paducah
Connie Smith, Enforcement Branch
Gaye Brewer, HWB-Paducah
DWM File# 101
DOE Reading File

DIVISION OF WASTE MANAGEMENT
NOTICE OF VIOLATION CONTINUATION SHEETFacility Name U.S. Dept. of Energy Identification# KYD-985-072-008Date of NOV 10/9/01 Date Violation Observed 9/20/01

Violations of the above cited Kentucky Revised Statutes are subject to the maximum penalties of \$25,000 per day for each hazardous waste violation and \$5,000 per day for each solid waste violation.

To respond to this Notice of Violation, write to:

Division of Waste Management
14 Reilly Road
Frankfort, KY 40601

Attention: Michael V. Welch, or call (502) 564-6716

Signature: Michael Welch Title: Manager, KDWM-HWB Date: 10/9/01

me of person or persons to whom copy was delivered:

Mr. Don Seaborg Title: Site Manager-DOE Date: 10/10/01
Mr. Gordon Dover Title: Paducah Manager of Projects BJC Date: 10/10/01

How Delivered: Certified Mail

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT
FRANKFORT, KENTUCKY 40601

NOTICE OF VIOLATION

To: United States Dept. of Energy Date Violation Observed: 9/20/01

P.O. Box 1410

County: McCracken

Paducah, KY 42001

ID# (if applicable): KY8-890-008-982

This is to advise you that, because of the circumstances noted below, you are in violation of the provisions of the following statute(s) and/or regulation(s):

The extent of the violation(s) observed is as follows:

Investigation and characterization of DMSAs C-331-15, C-335-05 and C-333-31 identified hazardous waste which has been stored greater than 90 days without a permit in violation of 401 KAR 32:030, Section 5, 401 KAR 38:010, Section 4, KRS 224.46-520 and Part II of the Hazardous Waste Management Permit.

Required action for remedial measures include, but are not limited to:

1. Submit amended SWMU Assessment Reports (SARs) for SWMUs 249, 287 and 301 within ninety (90) calendar days of the receipt of this notice. At a minimum, the SAR shall provide the information required under Condition IV.B.3 of the facility Hazardous Waste Management Permit.
2. Submit a revised Part A Application to include DMSAs C-331-15, C-335-05 and C-333-31 within thirty (30) calendar days of receipt of this notice.
3. Submit a closure plan(s) to address closure of DMSAs C-331-15, C-335-05 and C-333-31 within sixty (60) calendar days of receipt of this notice.
4. Cease the unpermitted storage of hazardous waste at all locations owned or operated by the DOE at the Paducah Gaseous Diffusion Plant immediately. All hazardous waste at the Paducah Gaseous Diffusion Plant must be managed in accordance with all applicable provisions of Chapters 30-38 of Title 401 of the Kentucky Administrative Regulations.

Bechtel Jacobs Company LLC
Notice of Violations (NOV)

For 2002

Total Number of NOV for 2002 7

January 18, 2002 -- NOV

The extent of the violations observed is as follows:

1. Failure to characterize these wastes. Investigation, characterization, subsequent reporting and/or other available information regarding SWMUs and identified hazardous waste which have been stored greater than 90 days without a permit.

February 28, 2002 -- NOV

The extent of the violations observed is as follows:

2. Investigation, characterization, subsequent reporting and/or other available information regarding SWMUs. Hazardous waste identified which have been stored greater than 90 days without a permit.

March 11, 2002 -- NOV

The extent of the violations observed is as follows:

3. Unpermitted Storage of Hazardous Waste. Investigation, characterization, subsequent reporting and/or other available information regarding SWMUs. Hazardous waste identified which have been stored greater than 90 days without a permit.

November 12, 2002 -- NOV

The extent of the violations observed is as follows:

4. Failure to comply with KSR 224 and numerous waste management regulations. Failure to make a hazardous waste determination for wastes disposed of in SWMU 209, the C-746-S Solid Waste Landfill and SWMU 210, the C-746-T Solid Waste Landfill. Disposal of hazardous waste without notifying the cabinet and obtaining construction and operation permits from the cabinet.

November 12, 2002 -- NOV

The extent of the violations observed is as follows:

5. Generated wastes as defined in 401 KAR Chapter 31 and failure to characterize these wastes in violation of KRS 224.46-510. These wastes have been managed in the following SWMUs 351, 287, 219, 464, 277, 276, 240, 239, 231, and 250.

November 12, 2002 -- NOV

The extent of the violations observed is as follows:

6. Failure to make a hazardous waste determination for wastes disposed of in SWMU 208, the C-746-U Solid Waste Landfill by failure to determine if the waste is listed as a hazardous waste in 401 KAR 31:040, in violation of KAR 32:010(2)(2). Disposing of hazardous waste without first notifying the Cabinet and obtaining construction and operation permits.

November 12, 2002 -- NOV

The extent of the violations observed is as follows:

7. Recordkeeping. A generator shall keep a copy of each manifest signed in accordance with KAR32:020 in addition to the signed copy returned for the designated facility which received the waste. Both copies shall be retained on record for at least three years from the due date of the report.

JAMES E. BICKFORD
SECRETARY



NO. 2290

PAUL E. PATTO
GOVERNOR

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FRANKFORT OFFICE PARK
14 REILLY RD
FRANKFORT KY 40601

January 18, 2002

CERTIFIED MAIL # 7099 3220 0008 0368 1969
7099 3220 0008 0368 1976
RETURN RECEIPT REQUESTED

Mr. W. Don Seaborg, Site Manager
US Department of Energy
Paducah Site Office
PO Box 1410
Paducah, Kentucky 42001

Mr. Gordon L. Dover, Paducah Manager of Projects
Bechtel Jacobs Company LLC
761 Veterans Avenue
Kevil, Kentucky 42053

Post-it® Fax Note		7671	Date	1-15-02	# of pages	5
To	DOVER / MASSEY / DAVIS		From	BARTEN		
Co/Dept	KEELER / KESLER		Co.			
Phone #			Phone #			
Fax #			Fax #			

RE: Unpermitted Storage of Hazardous Waste
Paducah Gaseous Diffusion Plant
McCracken County, Kentucky
KY8-890-008-982

Gentlemen:

Enclosed, is a Notice of Violation issued for failure to comply with 401 KAR 32:030, Section 2, 401 KAR 32:030, Section 5, 401 KAR 38:010, Section 4, KRS 224.46-520 and Part II of the facility's Hazardous Waste Management Permit.

Please note that the Division does not agree with the "newly generated" determination made on the mercury-contaminated oil removed from the Welch pump on December 11, 2001. This wastestream will need to be addressed within the C-331-15 Closure Plan (submitted on December 7, 2001), as will be reflected in our forthcoming comments on the C-331-15 Closure Plan.

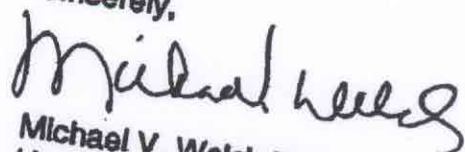


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Mr. W. Don Seaborg
Mr. Gordon L. Dover
Page 3
January 18, 2002

Please contact Mike Guffey at (502) 564-6716 if you have questions concerning this issue.

Sincerely,


Michael V. Welch P.E., Manager
Hazardous Waste Branch

MVW/mg

Enclosure - Notice of Violation

cc: Carl R. Froede, Jr., USEPA Region 4
Larry Lamberth, USEPA Region 4
Robert Sleeman, ORO/DOE
David Tidwell, DOE
Margie Williams, DWM-Paducah
Connie Smith, Enforcement Branch
Gaye Brewer, HWB-Paducah
DWM File# 101
DOE Reading File

NO. 2990 P. 3/9

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT
FRANKFORT, KENTUCKY 40601

NOTICE OF VIOLATION

To: United States Dept. of Energy

Dates Violation Observed:
3/13/01 thru 3/16/01 and
8/10/01 thru 1/9/02

P.O. Box 1410 County: McCracken

Paducah, KY 42001 ID# (if applicable): KY8-890-008-982

This is to advise you that, because of the circumstances noted below, you are in violation of the provisions of the following statute(s) and/or regulation(s):

The extent of the violation(s) observed is as follows:

1. The U.S. DOE generated wastes as defined in 401 KAR Chapter 31. The U.S. DOE failed to characterize these wastes in violation of KRS 224.46-520 and 401 KAR 32:010, Section 2. These wastes have subsequently been managed in Solid Waste Management Units 206 (C753-A), 464(C-746-A), and 159(C-746-H3 pad).
2. Investigation, characterization, subsequent reporting and/or other available information regarding Solid Waste Management Units (SWMUs) #'s 206 (C753-A), 159 (C-746-H3 pad), 214 (DMSA OS-3), 216 (DMSA OS-5), 220 (DMSA OS-9), 222 (DMSA OS-11), 223 (DMSA OS-12), 249 (DMSA 331-15), 287 (DMSA C333-31), 351 (DMSA C-400-05), 354 (DMSA C-409-01), 355(DMSA C-409-02) and 464 (C-746-A) have identified hazardous waste(s) which have been stored greater than 90 days without a permit in violation of 401 KAR 32:030, Section 5, 401 KAR 38:010, Section 4, KRS 224.46-520 and Part II of the Hazardous Waste Management Permit.

Required action for remedial measures include, but are not limited to:

1. DOE shall characterize all waste discovered in SWMU Nos. 206 (C753-A), 464 (C-746-A), and 159 (C-746-H3 pad), in accordance with KRS 224.46-520 and 401 KAR 32:010, Section 2 by March 1, 2002. All solid and/or hazardous wastes discovered in SWMU Nos. 206, 464(C-746-A), and 159 (C-746-H3 pad) shall be managed in accordance with the requirements of KRS Chapter 224 and 401 KAR Chapters 30-49.
2. DOE shall submit amended SWMU Assessment Reports (SARs) for SWMUs #, 206 (C753-A), 159 (C-746-H3 pad), 214 (DMSA OS-3), 216 (DMSA OS-5), 220 (DMSA OS-9), 222 (DMSA OS-11), 223 (DMSA OS-12), 249 (DMSA 331-15), 287 (DMSA C333-31), 351 (DMSA C-400-05), 354 (DMSA C-409-01), 355(DMSA C-409-02) and 464 (C-746-A) within one hundred and eighty (180) calendar days of the receipt of this notice. At a minimum, the SAR shall provide the information required under Condition IV.B.3 of the facility Hazardous Waste Management Permit.

**DIVISION OF WASTE MANAGEMENT
NOTICE OF VIOLATION CONTINUATION SHEET**Facility Name U.S. Dept. of EnergyIdentification# KYD-985-072-008Date of NOV 1/18/02

Dates Violation Observed

3/13/01 thru 3/16/01 and8/10/01 thru 1/9/02

3. DOE shall submit a revised Part A Application to include SWMUs # 206 (C753-A), 159 (C-746-H3 pad), 214 (DMSA OS-3), 216 (DMSA OS-5), 220 (DMSA OS-9), 222 (DMSA OS-11), 223 (DMSA OS-12), 351 (DMSA C-400-05), 354 (DMSA C-409-01), 355 (DMSA C-409-02) and 464 (C-746-A) and to update the wastestreams for SWMUs 249 (DMSA 331-15) and 287 (DMSA C333-31), within thirty (30) calendar days of receipt of this notice.
4. DOE shall submit a closure plan(s) to address closure of SWMUs # , 206 (C753-A), 159 (C-746-H3 pad), 214 (DMSA OS-3), 216 (DMSA OS-5), 220 (DMSA OS-9), 222 (DMSA OS-11), 223 (DMSA OS-12), 351 (DMSA C-400-05), 354 (DMSA C-409-01), 355 (DMSA C-409-02) and 464 (C-746-A) within one-hundred and eighty (180) calendar days of receipt of this notice.
5. DOE shall revise the closure plans for SWMUs # 249 (DMSA 331-15) and 287 (DMSA C333-31) to address the wastestreams discovered on 11/08/01, 11/09/01, 11/13/01 and 12/12/01 within one-hundred and eighty (180) calendar days of receipt of this notice.
6. DOE shall cease the unpermitted storage of hazardous waste at all locations owned or operated by the DOE at the Paducah Gaseous Diffusion Plant immediately. All hazardous waste at the Paducah Gaseous Diffusion Plant must be managed in accordance with all applicable provisions of Chapters 30-38 of Title 401 of the Kentucky Administrative Regulations.

Violations of the above cited Kentucky Revised Statutes are subject to the maximum penalties of \$25,000 per day for each hazardous waste violation and \$5,000 per day for each solid waste violation.

To respond to this Notice of Violation, write to:

Division of Waste Management
14 Reilly Road
Frankfort, KY 40601

Attention: Michael V. Welch, or call (502) 564-6716

Signature: Michael V. Welch Title: Manager, KDWM-HWB Date: 1/18/02

**DIVISION OF WASTE MANAGEMENT
NOTICE OF VIOLATION CONTINUATION SHEET**

Facility Name U.S. Dept. of Energy

Identification# KYD-985-072-008

Date of NOV 1/18/02

Dates Violation Observed
3/13/01 thru 3/16/01 and
8/10/01 thru 1/9/02

Name of person or persons to whom copy was delivered:

Mr. Don Seaborg

Title: Site Manager-DOE

Date: 1/18/02

Mr. Gordon Dover

Title: Paducah Manager of Projects BJC

Date: 1/18/02

How Delivered: Certified Mail , # 7099 3220 0008 0368 1969 and 7099 3220 0008 0368 1976

2002-11:09AM
JAMES E. BICKFORD
SECRETARY



NO. 3032 P. 2/5

PAUL E. PATTON
GOVERNOR

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FRANKFORT OFFICE PARK
14 REILLY RD
FRANKFORT KY 40601

9 59

February 28, 2002

CERTIFIED MAIL # 7099 3220 0007 9753 1083
7099 3220 0007 9753 1090
RETURN RECEIPT REQUESTED

Mr. W. Don Seaborg, Site Manager
US Department of Energy
Paducah Site Office
PO Box 1410
Paducah, Kentucky 42001

Mr. Gordon L. Dover, Paducah Manager of Projects
Bechtel Jacobs Company LLC
761 Veterans Avenue
Kevil, Kentucky 42053

RE: Unpermitted Storage of Hazardous Waste
Paducah Gaseous Diffusion Plant
McCracken County, Kentucky
KY8-890-008-982

Gentlemen:

Enclosed, is a Notice of Violation issued for failure to comply with 401
KAR 32:010, Section 2; 401 KAR 32:030, Section 5; 401 KAR 38:010, Section 4;
KRS 224.46-510, KRS 224.46-520 and Part II of the facility's Hazardous Waste
Management Permit.

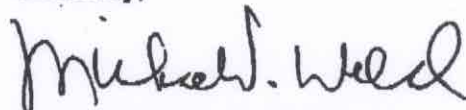


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NO. 3032 P. 3/5
Mr. W. Don Seaborg
Mr. Gordon L. Dover
Page 2
February 28, 2002

Please contact Mike Guffey at (502) 564-6716 if you have questions concerning this issue.

Sincerely,



Michael V. Welch P.E, Manager
Hazardous Waste Branch

MVW/mg

Enclosure – Notice of Violation

cc: Carl R. Froede, Jr., USEPA Region 4
Larry Lamberth, USEPA Region 4
Robert Sleeman, ORO/DOE
David Tidwell, DOE
Randy McDowell, Office of Legal Services
Virginia Baker, Office of Legal Services
Margie Williams, DWM-Paducah
Connie Smith, Enforcement Branch
Gaye Brewer, HWB-Paducah
DWM File# 101
DOE Reading File

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET

February 28, 2002

NOTICE OF VIOLATION

TO:

United States Department of Energy

P.O. Box 1410

W. Paducah KY 42001

Attn: W. Don Seaborg Site Manager - Paducah DOE, Gordon Dover Paducah Manager of Projects - BJC

Site ID #: KY8-890-008-982

SITE:

Paducah Gaseous Diffusion Plant

P.O. Box 1410

W. Paducah KY 42001

Date(s) Violation(s) Observed: Jan. 17, Jan. 31, Feb.
11, Feb. 12 Feb. 18 & Feb. 19 2002.

County: McCracken

Notifications/Complaints System #:

NOV Tracking #:

OLS Case #:

This is to advise that you are in violation of the provisions cited below:

KRS 224.46-510

KRS 224.46-520

401 KAR 32:010, Section 2

401KAR 32:030, Section 5

401KAR 38:010, Section 4

Part II of the PGDP Hazardous waste Permit

A description of the violation:

1. The U.S. DOE generated wastes as defined in 401 KAR Chapter 31. The U.S. DOE failed to characterize these wastes in violation of KRS 224.46-520 and 401 KAR 32:010, Section 2. These wastes have subsequently been managed in Solid Waste Management Units 248 (DMSA C-331-14), 287(DMSA C-333-31), 351 (DMSA C-400-05) and 355 (DMSA C-409-02).

2. Investigation, characterization, subsequent reporting and/or other available information regarding Solid Waste Management Units (SWMUs) #'s 248 (DMSA C-331-14), 287(DMSA C-333-31), 351 (DMSA C-400-05) and 355 (DMSA C-409-02) have identified hazardous waste(s) which have been stored greater than 90 days without a permit in violation of 401 KAR 32:030, Section 5, 401 KAR 38:010, Section 4, KRS 224.46-510 and Part II of the Hazardous Waste Management Permit.

The required remedial measure(s), and date(s) to be completed by; are as follows:

1. DOE shall submit amended SWMU Assessment Reports (SARs) for SWMUS 248 (DMSA C-331-14), 287(DMSA C-333-31), 351 (DMSA C-400-05) and 355 (DMSA C-409-02) within one hundred and eighty (180) calendar days of the receipt of this notice. At a minimum, the SAR shall provide the information required under Condition IV.B.3 of the facility Hazardous Waste Management Permit.
2. DOE shall submit a revised Part A Application to include SWMU # 248 (DMSA C-331-14) and to update the wastestreams for SWMUs 287(DMSA C-333-31), 351 (DMSA C-400-05) and 355 (DMSA C-409-02) within thirty (30) calendar days of receipt of this notice.
3. DOE shall submit a closure plan(s) to address closure of SWMU # 248 (DMSA C-331-14) within one-hundred and eighty (180) calendar days of receipt of this notice.
4. DOE shall revise the closure plans for SWMUs 287(DMSA C-333-31), 351 (DMSA C-400-05) and 355 (DMSA C-409-02) to address the additional wastestreams, discovered on 1/31/02, 2/11/02, 2/12/02, 2/18/02 and 2/19/02, within one hundred and eighty (180) calendar days of receipt of this notice.

5. DOE shall cease the unpermitted storage of hazardous waste at all locations owned or operated by the DOE at the Paducah Gaseous Diffusion Plant immediately. All hazardous waste at the Paducah Gaseous Diffusion Plant must be managed in accordance with all applicable provisions of Chapters 30-38 of Title 401 of the Kentucky Administrative Regulations.

Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

If you have questions or need further information, write or call the undersigned:

Division of Waste Management
14 Reilly Road
Frankfort, KY 40601
(502) 564-6716

ATTENTION: Michael V. Welch

Issued By:

Michael V. Welch
Manager, Hazardous Waste Branch

Date: 2/28/2002

How Delivered: Certified Mail / Certified# 7000 1670 0007 9753 1083
Certified# 7000 1670 0007 9753 1090

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DEP 4025

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